

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CYNTHIA FORD ET AL

CIVIL ACTION NO. 23-cv-730

VERSUS

JUDGE DONALD E. WALTER

PENNSYLVANIA LUMBERMENS MUTUAL INSURANCE CO ET AL

MAGISTRATE JUDGE HORNSBY

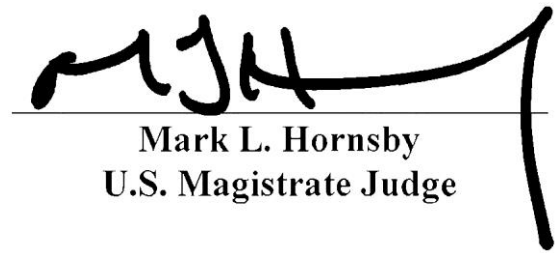
MEMORANDUM ORDER

Cynthia and Billy Ford (Louisiana) filed this civil action in state court against JB Hunt Transport, Inc. (Georgia/Arkansas), David Keeton (Texas), and Pennsylvania Lumbermens Mutual Insurance Co. JB Hunt and Keeton removed the case based on an assertion of diversity jurisdiction. Their notice of removal represents that Pennsylvania Lumbermens was improperly joined, so the citizenship of that defendant is not alleged. The removing defendants represent that they did not maintain any policies with Pennsylvania Lumbermens at the relevant time. Rather, their coverage was with Chubb/ACE American Insurance Company, plus numerous layers of excess coverage none of which was issued by Pennsylvania Lumbermens.

Counsel are directed to promptly engage in discussion and share relevant information so that the issue of the correct insurer may be promptly resolved and, if necessary, Plaintiff can move to file an amended complaint that drops Pennsylvania Lumbermens from the suit and adds Chubb/ACE as a defendant. The citizenship of any new insurer will be relevant to diversity jurisdiction, so defense counsel is directed to assist in obtaining the proper citizenship information for any such insurer and provide it to

Plaintiff's counsel so that it can be included in any proposed amended complaint. In the event any new defendant shares the Plaintiffs' Louisiana citizenship, Plaintiffs will need to file a memorandum and provide an analysis based on Hensgens v. Deere & Co., 833 F.2d 1179 (5th Cir. 1987). The parties are directed to resolve this issue and file any motion for leave to amend complaint by **July 21, 2023**.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 21st day of June, 2023.



Mark L. Hornsby
U.S. Magistrate Judge